

**DES MOINES CITY COUNCIL MEETING**  
**City Hall, Council Chambers**  
**400 Robert D. Ray Dr.**  
**Des Moines, Iowa 50309**

**July 14, 2014 4:30 PM**

**INVOCATION:** Council Member Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 52:

**\*Note:** These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

**LICENSES AND PERMITS**

4. [Approving](#) alcoholic beverage license applications for the following:

**NEW APPLICATIONS**

(A)	BUD TENT	3000 E GRAND AVE	C Beer/Wine
(B)	FASTMART	1621 UNIVERSITY	E Liquor
<del>(C)</del>	<del>LA HACIENDA MEXICAN</del>	<del>6250 SE 14TH ST</del>	<del>C Liquor</del>
(D)	OASIS	630 SW 9TH ST	C Beer

**RENEWAL APPLICATIONS**

(E)	AIR LANES	4200 FLEUR DR	C Liquor
(F)	BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(G)	BLANK MUNICIPAL GOLF	711 COUNTY LINE RD	C Liquor
(H)	BLU	215 E WALNUT ST	C Beer/Wine
(I)	COPPER CUP	207 4TH ST	C Liquor
(J)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
<del>(K)</del>	<del>EL MERENDEROS EVENT CTR</del>	<del>900 E ARMY POST RD</del>	<del>C Liquor</del>
(L)	GIT N GO STORE #3	100 WATROUS AVE	C Beer
(M)	ISLAS DEL PACIFICO	1434 DES MOINES ST	C Liquor
(N)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(O)	LOCUST TAP	434 E LOCUST ST	C Liquor
(P)	MASTER JACKS	3000 E GRAND AVE	C Liquor

(Q)	NOODLES & COMPANY	5840 DOUGLAS AVE	C Liquor
(R)	ORLONDOS	4337 PARK AVE	C Liquor
(S)	QUIK TRIP #530	2300 E 14TH ST	C Beer
(T)	RICHARD O JACOBSON EXHIB	3000 E GRAND AVE	C Liquor
(U)	SMOKIN' JOES #4	2800 E UNIVERSITY	E Liquor
(V)	TEQUILA RESTAURANT	2824 EASTON BLVD	C Liquor
(W)	TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	C Beer
(X)	W CHINA BUFFET	100 E EUCLID AVE	C Beer/Wine
(Y)	WAVELAND MUNICIPAL GOLF	4908 UNIVERSITY	C Liquor

### OUTDOOR SERVICE APPLICATIONS

<del>(Z)</del>	<del>MADHOUSE BREWING CO</del>	<del>501 SCOTT AVE</del>	<del>B Beer</del>
	Permanent.		
(AA)	NICKS	1106 ARMY POST RD	B Beer
	Temporary outdoor service on July 18, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(BB)	NICKS	1106 ARMY POST RD	B Beer
	Temporary outdoor service on July 25, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments		
(CC)	PLAYERS SPORTS BAR AND	1760 BEAVER AVE	C Liquor
	Permanent.		
<del>(DD)</del>	<del>SAKARI SUSHI LOUNGE</del>	<del>2605 INGERSOLL AVE</del>	<del>C Liquor</del>
	Permanent.		

### SPECIAL EVENT APPLICATIONS

(EE)	BEAVERDALE BETTERMENT	3422 BEAVER AVE	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for Beaverdale Live on July 26, 2014. Pending approval of Fire Department.		
(FF)	COWNIE SOCCER COMPLEX	2600 HARTFORD AVE	Five (5) Day License
	Class B Beer License for Event on August 2, 2014. Pending approval of Fire Department.		
(GG)	DOWNTOWN EVENTS GROUP	520 ROBERT D RAY DR	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for concert series August 1-3, 2014.		
(HH)	GATEWAY MARKET MLK	1200 GRAND AVE	Five (5) Day License
	Class C Liquor License (Beer/Wine) for University of Iowa Meet and Greet on July 17, 2014. Pending approval of Building and Fire Departments.		
(II)	JAZZ IN JULY	1701 6TH Avenue	Five (5) Day License
	Class B Beer License for an annual event on July 18, 2014.		
(JJ)	KEG STAND	1 LINE DR	Five (5) Day License
	Class B Beer License for Brewfest Event on July 19, 2014.		
(KK)	PARKS AREA FOUNDATION	3012 6TH AVE	Five (5) Day License
	Class B Beer License for Rendezvous on the River Event on July 25, 2014.		
(LL)	PARKS AREA FOUNDATION	3012 6TH AVE	Five (5) Day License
	Class B Beer License for Rendezvous on the River Event on August 1, 2014.		
(MM)	TURSIS LATIN KING	1203 LOCUST	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for Viva L'italia on July 25-26, 2014. Pending approval of Building Department.		

- (NN) VIVA L'ITALIA 1203 LOCUST ST Five (5) Day License  
Class B Beer License for Italian Heritage Festival on July 25-26, 2014.
- (OO) VIVA L'ITALIA 1203 LOCUST ST Five (5) Day License  
Class B Beer License for Italian Heritage Festival on July 25-26, 2014.
- (PP) VIVA L'ITALIA 1203 LOCUST ST Five (5) Day License  
Class B Beer License for Italian Heritage Festival on July 25-26, 2014.

5. Consideration of Class C Beer Permit with B Wine for the following:

- (A) DOLLAR GENERAL #13292 3102 MERLE HAY RD C Beer
- (B) DOLLAR GENERAL #313 2570 HUBBELL AVE C Beer
- (C) DOLLAR GENERAL #4554 1020 E ARMY POST C Beer
- (D) DOLLAR GENERAL #4991 3223 SE 14TH ST C Beer
- (E) DOLLAR GENERAL #6077 221 SW 63RD ST C Beer
- (F) DOLLAR GENERAL #6725 1428 E OVID AVE C Beer
- (G) DOLLAR GENERAL #6735 2650 INGERSOLL C Beer
- (H) DOLLAR GENERAL #8594 4213 FLEUR DR C Beer

6. Consideration of Class C Beer Permit renewal for Des Moines Food and Liquor, 5000 SW 9<sup>th</sup> Street. **(Zoning Department recommends denial).**

7. Consideration of Class E Liquor License for Fast Mart, 1401 Buchanan Street. **(Continued from June 23 Council Meeting, conditional use permit has been approved).**

8. Consideration of Class C Liquor License for Peggy’s Inc., 3020 Forest Avenue. **(Police Department recommends denial). (Continued from June 23 Council Meeting).**

9. City Clerk to issue Cigarette Licenses.

10. City Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

11. Ordering construction of the following:

- (A) Elm Grove Cemetery Roadway Improvements: Receiving of bids, (7-29-14), Setting date of hearing, (8-11-14). (Construction Estimate, \$135,000).

(Council Communication No. 14-345)

- (B) 33<sup>rd</sup> Street and 24<sup>th</sup> Street Sewer Separation: Receiving of bids, (7-29-14), Setting date of hearing, (8-11-14). (Construction Estimate, \$212,000).

(Council Communication No. 14-344)

(C) [1422](#) Scott Avenue Demolition: Receiving of bids, (8-12-14), Setting date of hearing, (8-25-14). (Construction Estimate, \$310,825).

[\(Council Communication No. 14-336\)](#)

12. [Receive](#) and file letter from the City of West Des Moines to make paving improvements to Pine Avenue from Iowa 28 to West City Limits and directing staff to prepare an Agreement for the paving improvements.

[\(Council Communication No. 14-349\)](#)

13. [Approving](#) Private Construction Contract between McAninch Corporation and St. Joseph Parish for paving improvements in E. 33<sup>rd</sup> Street and E. 34<sup>th</sup> Street.
14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
15. [Accepting](#) completed construction and approving final payment for Botanical Center accessible elevator, The Weitz Company, LLC.
16. [Accepting](#) completed construction and approving final payment for Inter-Urban Trail Bridge repair, Cramer and Associates, Inc.
17. [Accepting](#) completed construction and approving final payment for SE 6<sup>th</sup> Street Widening – E. Court Avenue to The Des Moines River, Elder Corporation.

## **SPECIAL ASSESSMENTS**

18. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-05.
19. [Approving](#) deletion of NAC-Emergency Assessment at 1012 SE 10<sup>th</sup> Street.
20. [Approving](#) deletion of special assessments to allow for redevelopment of the parcel at 1424 Cleveland.

[\(Council Communication No. 14-337\)](#)

## LAND/PROPERTY TRANSACTIONS

21. [Acceptance](#) of real estate documents from Gregory Holt for voluntary acquisition of property at 1615 E. 18<sup>th</sup> Street for the Guthrie Avenue Business Park.

[\(Council Communication No. 14-335\)](#)

22. [Acceptance](#) of corrected Quit Claim Deed from Union Pacific Railroad and approval of environmental covenant between the City of Des Moines and The Iowa Department of Natural Resources on City-owned property formerly owned by Union Pacific Railroad Company on the south side of Gray's Lake.

[\(Council Communication No. 14-343\)](#)

23. [Acceptance](#) of Planned Unit Development (PUD) Restoration Bond for the Kum & Go Store #536 project, located at 1300 Keosauqua Way.

[\(Council Communication No. 14-329\)](#)

24. [Acceptance](#) of Planned Unit Development (PUD) Restoration Bond for the Kum & Go Store #535 project, located at 4960 E. Broadway Avenue.

[\(Council Communication No. 14-322\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

25. Approving the removal of the following Neighborhood Associations from the list of Recognized Neighborhoods:

- (A) [Hillsboro](#).

[\(Council Communication No. 14-333\)](#)

- (B) [Laurel Hill](#).

[\(Council Communication No. 14-334\)](#)

- 25-I [Recommendation](#) from Council Member Bill Gray to appoint Tammy Keiter to the Neighborhood Revitalization Board, Seat 7, for a three-year term commencing June 30, 2013 to expire June 30, 2016.

26. [Communication](#) from Dwight Stelling advising of his resignation from the Greater Des Moines Sister Cities Commission, Seat 4, effective immediately.
27. [Approving](#) revision of Rule Amendment #5 of the Access Advisory Board to allow the Executive Committee to continue or postpone any regular meeting to another date and time, or cancel a meeting.

[\(Council Communication No. 14-327\)](#)

28. [Attendance](#) Reports for the various City Boards and Commissions for January 1 through June 30, 2014.

### **SETTING DATE OF HEARINGS**

29. On vacation of portions of Elm Street and SW 6<sup>th</sup> Street right-of-way adjoining the following, (7-28-14):
  - (A) [300](#) SW 5<sup>th</sup> Street and conveyance of such right-of-way and other adjoining excess City-owned property to Harbach Building, LLC, \$54,000.
  - (B) [300](#) SW 6<sup>th</sup> Street and conveyance of such right-of-way and other adjoining excess City-owned property to JB Doors Partnership, \$71,000.
30. Number not used.
31. [On](#) conveyance of underground electric line easements on City-owned property at 221 and 313 Walnut Street to MidAmerican Energy Company, \$1, (7-28-14).
32. [On](#) request from Hansen Real Estate Services, Inc. to rezone property owned by City of Des Moines and Wastewater Reclamation Authority in the vicinity of 714 SE 6<sup>th</sup> Street from “R1-60” (One Family Low-Density Residential) and “M-1” (Light Industrial) to “D-R” (Downtown Riverfront) to allow development up to a six story, 132 unit multiple-family dwelling, (7-28-14).
33. [On](#) authorization of a loan agreement and the issuance of not to exceed \$32,000,000 General Obligation Refunding Capital Loan Notes, (7-28-14).

[\(Council Communication No. 14-338\)](#)

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

34. [Approving](#) payment to Hall & Associates for representation in Iowa League of Cities V. United States Environmental Protection Agency, \$533.39 and authorization for an additional amount, not to exceed \$1,500.
35. [Approving](#) payment to Ahlers & Cooney, PC with respect to general matters, \$416.50.
36. [Approving](#) worker's compensation settlement for Michael Palik.
37. [Affirming](#) settlements made by City Attorney, not exceeding \$5,000.
38. [Approving](#) payment to Douglas and Kelli Sampson for property damage as a result of a blocked sewer line.
39. [Approving](#) payment to Jerry, Candy and Sharlee Mercer for property damage as a result of an improperly reattached sewer line.

## CITY MANAGER COMMUNICATIONS

40. [Submitting](#) travel and training request for Judy Bradshaw, Kenneth Brown and Denise Schafnitz.

[\(Council Communication No. 14-339\)](#)

## APPROVING

41. Items regarding 350 E. Locust Street development:
  - (A) [Second](#) Amendment to Urban Renewal Agreement for sale of land for private redevelopment with East Village Growth Partners, LLC and approval of partial transfer and encumbrance, development of Disposition Parcel No. 02-1A (350 E. Locust Street) in Metro Center Urban Renewal Project.
42. [Issuance](#) of Certificate of Final Completion to Waterfront Lodging, Inc. for the development of the hotels at 100 and 120 Water Street and the parking garage at 101 SW 2<sup>nd</sup> Street.

[\(Council Communication No. 14-328\)](#)

43. [Donation](#) and Installation Agreement with AIB College of Business for scoreboard at James W. Cownie Soccer Park.

[\(Council Communication No. 14-325\)](#)

44. [Communication](#) from Downtown Community Alliance, on behalf of the Des Moines Performing Arts, requesting approval of banner design for banners to be displayed in downtown Des Moines on Walnut Street from September through October.

45. [Adopting](#) an amended Schedule of Fees for Snow Hauler Permit under Chapter 42 of the City Code.

[\(Council Communication No. 14-340\)](#)

45-I Authorizing and providing for the issuance of the following:

- (A) [\\$24,945,000](#) General Obligation Bonds, Series 2014C and levying a tax to pay.
- (B) [\\$2,250,000](#) Taxable General Obligation Urban Renewal Bonds, Series 2014D and levying a tax to pay.

46. Bids from the following:

- (A) [Gee](#) Asphalt Systems (Dan Gee, President) for bituminous fog seal application services as requested by the Public Works Department, \$223,762.50. (Three bids mailed, one received.)

[\(Council Communication No. 14-332\)](#)

- (B) [Communication](#) Innovators (Stan Glawe, President) for data and telephone technician labor services for the 2015 fiscal year per State ICN contract as requested by the Information Technology Department, \$55,000.

[\(Council Communication No. 14-330\)](#)

- (C) [Hewlett](#) Packard Co. (Meg Whitman, President) for replacement data protect tape library backup system per WSCA price agreement as requested by the Information Technology Department, \$90,014.28.

[\(Council Communication No. 14-331\)](#)



- (D) [Carahsoft](#) Technology Corporation (Godfrey R. Sullivan, President and CEO) for Splunk Enterprise, a platform for operational intelligence used to monitor and analyze massive amounts of data for troubleshooting problems and investigating security incidents per US GSA Contract as requested by the Information Technology Department, \$70,062.25.

[\(Council Communication No. 14-320\)](#)

- (E) [Dewey](#) Ford (Dan Boettcher, General Manager) for one replacement aerial lift platform truck as requested by the Fleet Maintenance Division, \$196,194. (Eleven bids mailed, three received.)
- (F) [Freightliner](#) of Des Moines (Carl Schwab, President) for two replacement step vans as requested by the Fleet Maintenance Division, \$233,766. (Eight bids mailed, one received.)

[\(Council Communication No. 14-323\)](#)

- (G) [The](#) Waldinger Corporation (Guy Gast, President) for rooftop HVAC replacement services at the Principal Skywalk as requested by the Engineering Department, \$88,900. (Nine bids mailed, five received.)
  - (H) [Indoff](#) (Jim Malkus, President) for workbenches for use at the Municipal Service Center as requested by the Engineering Department, \$57,200. (Six bids mailed, four received.)
47. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 14 and July 21, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 14 and July 21, 2014 and to draw checks for biweekly payrolls due on July 25, 2014.

## **ORDINANCES - FINAL CONSIDERATION**

48. Items regarding fishing in Des Moines:
- (A) [Amending](#) Chapter 74 of the Municipal Code regarding fishing.
  - (B) [Amending](#) Chapter 130 of the Municipal Code regarding fishing.
49. [Amending](#) Chapter 114 of the Municipal Code regarding Downtown On-Street Bike Facilities Implementation.

**ORDINANCES - SECOND CONSIDERATION**

- 50. On rezoning of 4044 E. 14<sup>th</sup> Street from “C-2” (General Retail and Highway Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial).
  - (A) Final consideration of ordinance above (waiver requested by applicant), requires six votes.
  
- 51. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
  - (A) Parking meter and parking restriction revisions near the new Residence Inn by Marriott and Hampton Inn on Water Street.
  - (B) Stop Sign Installation at E. 35<sup>th</sup> and Hull Avenue.
  - (C) Speed Limit Change – Keosauqua Way between Lynn Street and 19<sup>th</sup> Street.
  
- 52. Amending Chapter 98 of the Municipal Code regarding Waste Hauler’s Permit requirements and fees.
  - (A) Final consideration of ordinance above (waiver requested by the Public Works Director), requires six votes.

\* \* \* \* \* END CONSENT AGENDA \* \* \* \* \*

**COUNCIL REQUESTS**

- 53. From Council Member Skip Moore to discuss the naming of the Municipal Service Center.

**COMMUNICATIONS/REPORTS**

- 54. From David Costello, 1105 Orchard Lane, to speak regarding homeless evictions and compassion campaign.
  
- 55. From Michael Hildebrand, 410 Franklin Avenue, to speak regarding property at 1942 Arlington in the River Bend neighborhood.

**\*Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 56 THRU 61)**

56. On vacation of air space over portions of E. 5th Street and E. Grand Avenue adjoining 505 E. Grand Avenue, and for conveyance of an easement to 505 East Grand, LLC, for \$3,885.

(Council Communication No. 14-341)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

57. On proposed vacation and lease of a 280 sq. ft. portion of the sidewalk adjoining 2605 Ingersoll Avenue to Sakari Sushi Lounge, LLC, for a sidewalk café.

(Council Communication No. 14-321)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

58. On sale of City-owned property in the vicinity of SE 6<sup>th</sup> Street and Shaw Street to Hansen Real Estate Services, Inc., \$3.30 per square foot and to **continue to July 28, 2014 at 5:00 PM.**

59. On request from Drake University to rezone property at 2700 University Avenue from Limited “NPC” (Neighborhood Pedestrian Commercial) to an amended Limited “NPC” to permit accessory alcoholic beverages sales and service related to private events operated by Drake University.

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

60. [On](#) 2014-2015 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Grimes Asphalt & Paving Corporation, (Kurt Rasmussen, President), \$365,325.50.

[\(Council Communication No. 14-342\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

61. [To](#) reject all bids on Traffic Observation Camera and Downtown Changeable Message Signs (CMS) upgrades. (No bids were received.)

[\(Council Communication No. 14-347\)](#)

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

## **APPROVING**

62. [Recognition](#) of the service of the Des Moines Enterprise Zone Commission an entity that will be dissolved with the passing of the 2014 State of Iowa Legislation to sunset the Enterprise Zone program.

[\(Council Communication No. 14-348\)](#)

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations: [Memo](#)
  - (A) [3510](#) University Avenue, commercial building structure, Titleholder: 8105 Landco LLC.
  - (B) [1426](#) 4<sup>th</sup> Street, fire-damaged main structure, Titleholder: Frank E. Weinstein, Contract Buyers: Javier Nieto and Eba Nieto.
  - (C) [1708](#) 6<sup>th</sup> Avenue, commercial building structure, Titleholder: Courts of Calanthe.

### **MOTION TO ADJOURN.**

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